

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

CHRISTIE DAVIS, 10-CV-811-PK

Plaintiff, ORDER

v.

PEOPLES CHOICE HOME LOAN, INC.;
MARTIN BONANNO; USB AG
INVESTMENT TRUST; R.K. ARNOLD;
MERS, INC. (MORTGAGE ELECTRONIC
REGISTRY SYSTEM); OCWEN LOAN
SERVICING,

Defendants.

CHRISTIE DAVIS
P.O. Box 90446
Portland, OR 97290
503-810-6877

Plaintiff, *Pro Se*

JOHN OWEN CAMPBELL
Houser and Allison, APC
9970 Research Drive
Irvine, CA 92618
(949) 679-1111

Attorneys for Defendants MERS, Inc., and Ocwen
Loan Servicing

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#33) on September 17, 2010, in which he recommends the Court grant the Motion (#3) to Dismiss of Defendants MERS, Inc., and Ocwen Loan Servicing and grant Plaintiff leave to amend her Third Amended Complaint. Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*).

This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the

Magistrate Judge's Findings and Recommendation.

The Court has also reviewed Plaintiff's Motions filed after the Magistrate Judge issued his Findings and Recommendation including Plaintiff's Motion (#39) for Permanent Injunction, Motion (#41) to Decline to Serve Summons on Martin Bonanno, Motion: Request to Amend (#44), and Motion (#45) for Injunctive Relief and concludes these Motions are moot in light of the fact that the Court is granting Defendants' Motion to Dismiss and granting Plaintiff leave to file a Fourth Amended Complaint and to effect service of the Fourth Amended Complaint on the Defendants she intends to pursue in that complaint.

Accordingly, the Court denies the Motions Plaintiff filed after the Magistrate Judge issued the Findings and Recommendations, but grants Plaintiff leave to renew her request for injunctive relief after she files a Fourth Amended Complaint.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#33). The Court, therefore, **GRANTS** Defendants' Motion (#3) to Dismiss and **DENIES as moot** Plaintiff's Motion (#39) for Permanent Injunction; Motion (#41) to Decline to Serve Summons on Martin Bonanno; Motion: Request to Amend (#44); and Motion (#45) for Injunctive Relief.

Because Plaintiff appears *pro se*, however, the Court grants

her leave to amend her Third Amended Complaint no later than **November 24, 2010**, to attempt to cure the deficiencies as set out in the Findings and Recommendation as to her claims against Defendants MERS and Ocwen. If Plaintiff chooses not to file a Fourth Amended Complaint by November 24, 2010, or if the Fourth Amended Complaint does not cure these deficiencies, the Court will dismiss Plaintiff's claims against MERS and Ocwen with prejudice.

The Court **DIRECTS** Plaintiff to effect proper service on any Defendants against which she intends to proceed in her Fourth Amended Complaint no later than **March 24, 2011**. If Plaintiff fails to serve any Defendant against which she intends to proceed by March 24, 2011, the Court will dismiss the unserved Defendants.

The Court advises Plaintiff that all of her future filings with this Court must comply with the Court's Local Rules found at: <http://www.ord.uscourts.gov/local-rules-of-civil-procedure/>

The Court further advises Plaintiff that all of her future filings with this Court must also comply with the Federal Rules of Civil Procedure found: <http://www.law.cornell.edu/rules/frcp/> Failure to comply with either this Court's Local Rules or with the Federal Rules of Civil Procedure may result in the Court

striking Plaintiff's materials.

IT IS SO ORDERED.

DATED this 27th day of October, 2010.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge